



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NEW YORK 10007-1866

OCT 28 2010

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Matthew Kerwin  
Hiscock & Barclay, LLP  
One Park Place  
300 South State Street  
Syracuse, New York 13202

Re: Lower Ley Creek Subsite, Onondaga Lake Superfund Site, Onondaga County, New York  
Notice of Potential Liability Pursuant to the Comprehensive Environmental Response,  
Compensation, and Liability Act, 42 U.S.C. § 9601-9675.

Dear Mr. Kerwin:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants, and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601-9675.

As your client, Niagara Mohawk d/b/a National Grid, has been previously notified, EPA has documented the release and threatened release of hazardous substances into the environment at the Lower Ley Creek Subsite ("Subsite") of the Onondaga Lake Site ("Site"), located in Onondaga County, New York. At the request of the New York State Department of Environmental Conservation ("NYSDEC"), EPA assumed responsibility for the Subsite in July 2009. EPA has spent and anticipates spending additional public funds to investigate and control releases or potential releases of hazardous substances at the Subsite.

**NOTICE OF POTENTIAL LIABILITY**

Through prior correspondence, including a letter dated October 15, 2008, EPA and NYSDEC have notified your client of the claims against it for the recovery of response costs pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, and state statutory and common law. As part of cost recovery negotiations, on April 23, 2009, EPA provided a chart to all potentially responsible parties ("PRPs") involved in the cost recovery claim which summarized the nexus of each PRP to the Site. In that chart, EPA identified the following PRPs as having a nexus to the Site by way of this Subsite:

1. Carrier Corporation
2. General Motors Corporation

3. Oberdorfer LLC
4. Syracuse China Company
5. Crouse Hinds/Division of Cooper Industries
6. Town of Salina
7. Onondaga County
8. Niagara Mohawk Power Corporation, d/b/a National Grid

Under CERCLA and other laws, responsible parties may be held liable for monies expended by, *inter alia*, the federal government in taking response actions, including investigative, planning, removal, remedial, and enforcement actions, at and around sites where hazardous substances have been released. Responsible parties also may be subject to orders requiring them to take response actions themselves. Responsible parties under CERCLA include, among others, the current owner of property upon which there is a release or threatened release of hazardous substance and persons who arranged for the disposal of hazardous substances at the Subsite. By a letter dated October 30, 2009, EPA informed your client of its potential liability as a person who arranged for the disposal of hazardous substances at the Subsite.

By this letter, we notify your client that as an owner or operator of property upon which there is and/or has been a release or threatened release of hazardous substances at the Subsite, you are considered to be a PRP with respect to the Subsite, pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

If you have any legal questions or would like to discuss this matter with EPA, please contact Lauren Charney at 212-637-3181 or [Charney.Lauren@epa.gov](mailto:Charney.Lauren@epa.gov).

Sincerely yours,



Raymond Basso, Strategic Integration Manager  
Emergency and Remedial Response Division